



28 SEP 2006

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In re Application of :
FREY et al. :
Application No.: 10/501,592 :
Filing Date: January 24, 2005 :
Attorney Docket No.: 564462003801 :
For: METHODS FOR MAKING :
POLYNUCLEOTIDES AND PURIFYING :
DOUBLE-STRANDED :
POLYNUCLEOTIDES :

DECISION

This decision is in response to applicants' "Request for Corrected Filing Receipt" filed 15 March 2005. Applicants are requesting that "U.S. patent application serial no. 10/077,474 filed on February 14, 2002 be added under 'Domestic Priority data as claimed by applicant" to the Official Filing Receipt of the above-identified application.

BACKGROUND

On 14 January 2003, applicants filed international application PCT/US03/01189 which claimed a priority date of 14 January 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 14 July 2004.

On 14 July 2004, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia*, by: the requisite basic national fee; a copy of the international application; and a copy of the international search report.

On 24 January 2005, applicant filed an executed declaration of inventorship in response to the Notification of Missing Requirements mailed 22 September 2004.

On 03 March 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) which indicated a date under 35 U.S.C. 371 of 24 January 2005.

On 15 March 2005, applicants filed "Request for Corrected Filing Receipt."

DISCUSSION

Applicants are requesting that "U.S. patent application serial no. 10/077,474 filed on February 14, 2002 be added under 'Domestic Priority data as claimed by applicant'" of the Official Filing Receipt for the above-identified application. 37 CFR 1.78(a) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the application is whether the subject application is a continuation, divisional, or continuation-in-part of a prior filed nonprovisional application. In this case, the benefit claim to 10/077,474 does not comply with 37 CFR 1.78 since the a proper relationship between PCT/US03/01189 and 10/077,474 has not been stated. Therefore, applicants' request for corrected filing receipt cannot be granted at this time.

Applicants may wish to consider the petition procedure under 37 CFR 1.78(a)(3) for acceptance of a delayed benefit claim.

CONCLUSION

Applicants' request for corrected filing receipt is **REFUSED**.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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